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7 CLASS COUNSEL

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 JAMES RAFTON, TRUSTEE OF THE
14 JAMES AND CYNTHIA RAFTON TRUST,

15 Plaintiff,

16 v.

17 RYDEX SERIES FUNDS; PADCO
ADVISORS INC. d/b/a RYDEX
18 INVESTMENTS, INC.; RYDEX
DISTRIBUTORS, INC.; RICHARD M.
19 GOLDMAN; CARL G. VERBONCOEUR;
JOHN O. DEMARET; NICK BONOS;
MICHAEL P. BYRUM; COREY A.
20 COLEHOUR; J. KENNETH DALTON;
WERNER E. KELLER; THOMAS F. LYDON;
21 PATRICK T. MCCARVILLE; ROGER
SOMERS; and DOES 1 through 25, inclusive,

22 Defendants.
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No. CV 10-01171 LHK

Action Filed: March 19, 2010

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PRODUCTION OF
CUSTOMER DATA BY MERRILL
LYNCH

1 Plaintiffs James Rafton and James Darst, Jr. (collectively, "Plaintiffs"), and Merrill
 2 Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch") hereby stipulate as follows:

3 WHEREAS, on September 13, 2011, the Court entered an Order Granting Unopposed
 4 Motion For Preliminary Approval Of Proposed Class Settlement And Approval Of Notice Plan
 5 (Dkt. No. 99) (the "Order");

6 WHEREAS, the Order directed certain Broker Dealers and Intermediaries to provide the
 7 names, addresses and transaction data for investors who acquired Rydex Fund shares during the
 8 Class Period within fifteen business days of receipt of the Intermediary Notification (up to and
 9 including October 19, 2011) unless an Intermediary makes alternate arrangements for the
 10 delivery of the data with the Claims Administrator, Garden City Group, Inc.;

11 WHEREAS, Plaintiffs and Merrill Lynch seek to clarify and confirm the specific data
 12 called for Merrill Lynch to produce in connection with the Order;

13 NOW, THEREFORE, the undersigned parties, by and through their counsel, stipulate,
 14 subject to approval of the Court, that Merrill Lynch will commence delivery within two (2)
 15 business days following the entry of this Stipulation and Order, of the information requested by
 16 Claims Administrator Garden City Group, Inc. in its letter to Merrill Lynch dated September 27,
 17 2011, attached hereto as Exhibit A, subject to the terms of that letter and the non-disclosure
 18 agreement between Garden City Group, Inc. and Merrill Lynch dated November 10, 2011.
 19 Merrill Lynch shall deliver any remaining data that is not available within the 2 business day
 20 time period, within five (5) business days following the entry of this Stipulation and Order.

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 22 Dated: November 10, 2011

ALAN W. SPARER
 MARC HABER
 JAMES S. NABWANGU
 SPARER LAW GROUP

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 25 By: /s/ Alan W. Sparer
 26 ALAN W. SPARER

27 CLASS COUNSEL

28 Concurrence in the filing of this document has been obtained from each of the other

1 signatories.

2 Dated: November 10, 2011

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4 By: /s/ Hassan Abedi
HASSAN ABEDI

5 Counsel for MERRILL LYNCH

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7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

8 IT IS FURTHER ORDERED THAT the parties shall by November 15, 2011 file a statement
9 of how this delay affects the schedule currently set and whether it requires the Court to move
the final approval hearing date.

10 Dated: November 14, 2011

11 Lucy H. Koh
HON. LUCY H. KOH
12 UNITED STATES DISTRICT JUDGE
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EXHIBIT A

Rafton v. Rydex Series Funds
Claims Administrator
c/o The Garden City Group, Inc.
P.O. Box 9769
Dublin, OH 43017-5669

FORWARDING SERVICE REQUESTED

September 27, 2011

MERRILL LYNCH
ATTN: JEFFREY LEEDY
1190 WEST MARION AVENUE, SUITE 1
PUNTA GORDA, FL 33950

**Re: RAFTON, et al. v. RYDEX SERIES FUNDS, et al. (N.D. Cal. Case No. Civ 10-01171 LHK)
CLASS ACTION SETTLEMENT**

SPECIAL NOTICE TO FINANCIAL INTERMEDIARIES

You are receiving this notice because records indicate that you are a broker/dealer, financial advisor or nominee ("Intermediary") for one or more beneficial owners or former owners of shares of the Rydex Inverse Government Long Bond Strategy Fund ("Rydex Fund"), and may be in possession of customer information necessary to distribute settlement funds to such owner(s).

Pursuant to a Court Order dated September 13, 2011, you are hereby directed to provide in electronic, searchable form, the contact and transaction information described below for each beneficial owner, customer or client who purchased or otherwise acquired shares of the Rydex Fund, ticker symbols RYAQX, RYJCX, RYJAX, and/or RYJUX, during the period described below. A copy of the Order may be found at www.RydexFundSettlement.com/court.

Customer Account Information Required:

For each account in which Rydex Fund shares were acquired by purchase or otherwise during the period from August 1, 2007 through July 31, 2009 (the "Class Period"), inclusive, please provide:

1. Name of Account Holder;
2. Address;
3. Telephone Number;
4. Exact Name on the Account;
5. Account Number;
6. Fund Name (Class of Shares);
7. *For each acquisition of shares* during the Class Period: the date of acquisition, Fund ID (e.g.: "214," "RYJAX," etc.) and number of shares acquired on each date during Class Period;
8. Price per share acquired;
9. Date(s) and amount of any dividend received on above shares from July 1, 2007 through April 26, 2010, inclusive;
10. *For each redemption of shares* from July 1, 2007 through April 26, 2010, inclusive: date of sale, fund ID, and number of shares sold; and
11. Price per share sold.

If you have received this Notice in error or otherwise are not in possession of the above data, kindly please so notify the Claims Administrator.

Pursuant to the Court's Order you have 15 business days after the date of this Notice (until and including October 19, 2011) to supply the information in the form requested. If it is not feasible to comply fully within the deadline, the Order requires you to promptly notify the Claims Administrator and make special arrangements to provide the information or explain the failure to do so. Please direct all responses and questions to:

Rafton v. Rydex Series Funds
Claims Administrator
c/o The Garden City Group, Inc.
P.O. Box 9769
Dublin, OH 43017-5669
Telephone number: 1-888-404-8013
Email: Lori.Castaneda@GCGInc.com
Settlement Website: www.RydexFundSettlement.com

Any information obtained from you will be maintained as confidential pursuant to a Non-Disclosure Agreement entered into with Rydex. You may obtain reimbursement for your actual and reasonable administrative costs which would not have been incurred but for the obligation to forward information, upon submission of appropriate documentation to the Claims Administrator.

Thank you for your assistance,

Claims Administrator
The Garden City Group, Inc.